

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MONTGOMERY CARL AKERS,

Plaintiff,

vs.

JAMES KESZEI, *et al.*,

Defendants.

Case No. 2:07-cv-00572-JCM-GWF

ORDER

This matter comes before the Court on Plaintiff's Motion for Order Directing the Clerk to Send any Further Mail Correspondence from the Court by Way of "Legal Mail" to the Plaintiff (#322), filed on September 28, 2011, and Plaintiff's Memorandum and Brief in Support in Putting the Court on Notice of Defendant's Actions in Denying the Plaintiff Access to this Court with Legal and Exhibits Authority Incorporated (#323), filed on September 29, 2011. Plaintiff informs the Court that he has rescinded his agreement to allow the Federal Bureau of Prisons ("BOP") to open and handle his incoming mail. As a result, Plaintiff requests that the Court direct the Clerk's office to label all future correspondences as "legal mail - open only in the presence of the addressee."

The United States Penitentiary, Marion, Illinois, where Plaintiff is currently incarcerated, provides for a special mail procedure for correspondences wherein the mail is opened and inspected only in the presence of the addressee, and the mail is not read or copied by the prison staff. *See* http://www.bop.gov/locations/institutions/mar/MAR_aohandbook.pdf, at pg 35. This special mail procedure encompasses correspondence from an attorney who is representing an inmate. The only other incoming mail that can be characterized as special mail is mail that is clearly marked as

1 originating from the chambers of a U.S. Judge or from a member of Congress. This procedure is
2 likely in effect to protect confidential attorney-client material and ex-parte communications from
3 the chambers. Orders of the court, however, are matters of public record and would not qualify
4 under either category. The Court will therefore not grant Plaintiff's requested relief.

5 Currently, Plaintiff is not receiving mail from this Court. On at least one prior occasion, an
6 Order of this Court was returned as "Refused by Inmate." (See #329.) In light of this, the Court
7 will send a copy of this Order from chambers of Magistrate Judge George Foley, Jr., so that it will
8 be processed as special mail and Plaintiff will receive notice of the Court's decision. However, all
9 future orders and correspondences from the Court will be sent from the Clerk's office and will
10 likely be received and processed as general mail by the BOP. Therefore, the Plaintiff is advised
11 that the Court will not take any additional steps to ensure that mail sent from the Court will be
12 received by Plaintiff. Additionally, the Court will be reluctant to grant any future requests for relief
13 stemming from Plaintiff's inability to receive his mail. Accordingly,

14 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Order Directing the Clerk to Send
15 any Further Mail Correspondence from the Court by Way of "Legal Mail" to the Plaintiff (#322) is
16 **denied.**

17 DATED this 19th day of October, 2011.

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20 GEORGE FOLEY, JR.
21 United States Magistrate Judge
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